

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RICHARD EUGENE EVETT,

Case No. 2:12-cv-01585-SI

Petitioner,

ORDER TO DISMISS

v.

TED KULONGOSKI, et. al.,

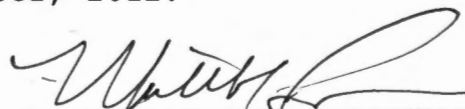
Respondent.

SIMON, District Judge.

On October 19, 2012, the Court issued an Order to Show Cause why this action, filed pursuant to 42 U.S.C. § 1983, should not be dismissed on the basis that it implicates the legality of Plaintiff's incarceration, and on the basis that it is untimely. Plaintiff's Motion to Dismiss (#10) is before the Court. The Motion to Dismiss is GRANTED. However, to the extent Plaintiff requests that fees and costs be waived, the request is DENIED.

IT IS HEREBY ORDERED that this action is DISMISSED with prejudice. Pending motions, if any, are denied as moot.

DATED this 15th day of November, 2012.



Michael H. Simon
United States District Judge